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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,711	09/18/2003	Gilad Almogy	6317P019D	9035
8791	7590	06/30/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			NGUYEN, SANG H	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Appl i ation No.

10/666,711

Applicant(s)

ALMOGY ET AL.

Examiner

sang nguyen

Art Unit

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-- The MAILING DATE of this communication app ars on the cover sh et with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The present Office action is made in response to Pre-Amendment filed on 09/18/2003. It is noted that the present application contains claim 23 and 46 and claims 1-22 and 24-45 have been canceled by the Pre-Amendments filed on 09/18/03.

This applicant is Divisional of the co-pending application serial No. 10/050,889 filed on 01/15/2002, issued Patent No. 6,657,714 dated Patent 12/2/2003.

Information Disclosure Statement

This office acknowledges of the following items from the Applicant: Information Disclosure Statement (IDS) filed on 09/18/03 is received. The references cited on the PTOL 1449 form have been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over McComb et al (U.S. Patent No. 4,785,336) in view of Welbourn et al (U.S. Patent No. 4,663,522).

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Regarding claims 23 and 46; McComb et al discloses a method and an integrating sphere for processing radiation, comprising:

- an inlet port (38 of figure 2) for receiving radiation (33a of figure 2);
- a sphere body (37 of figure 2) having an internal surface considered to be interior surface of the sphere (col.3 lines 34-36) that is adapted to diffused reflect the radiation (33a of figure 2) received through the inlet port (38 of figure 2); and
- first and second output ports (39, 40 of figure 2) for adapting convey the radiation from the spherical body (37 of figure 2) to first and second detectors (39a, 40a of figure 2), wherein the first and second detectors (39a, 40a of figure 2) coupled to the first and second output ports (39, 40 of figure 2). See figures 1-2.

McComb et al teaches all of elements of the claimed invention except for the first output port having a substantially greater diameter than the second output port and a substantially greater portion of the radiation is conveyed to the first detector than to the second detector. However, Welbourn et al teaches that it is known in the art to provide the first output port (30 of figure 2) of the integrating sphere (17 of figure 2 and col.4 lines 52-54) having a substantially greater diameter than the second output port (32 of figure 2) of the integrating sphere (17 of figure 2 and col.4 lines 52-54) and a substantially greater portion of the radiation is conveyed to the first detector (22 of figure 2) than to the second detector (32 of figure 2 and col.2 line 30 to col.3 line 45). See figures 1-5.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a method and an integrating sphere for processing radiation of McComb et al with the first output port having a substantially greater diameter than the second output port and a substantially greater portion of the radiation is conveyed to the first detector than to the second detector as taught by Welbourn et al for the purpose of measuring and determining intensity radiation signals integrating sphere.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Task et al (5,679,949) discloses night vision device automated spectral response determination; Berg et al (5,369,481) portable spectrophotometer; Filo (5,068,739) discloses method to image transparent media utilizing integrated scanning; Grobbelaar et al (4,280,625) discloses shade determination; or Cho (3,827,808) discloses method and apparatus for measuring the opacity of sheet material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Frank Font, can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

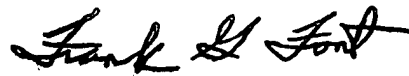
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SN

Nguyen/ sn

June 20, 2004



Frank G. Font
Supervisory Patent Examiner
Art Unit 2877
Technology Center 2800